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CONFIDENTIAL

STATEMENT OF JOSEPH F. CULLMAN, 3RD
BEFORE
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE
HOUSE OF REPRESENTATIVES

Mr. Chairman, Members of the Committee --

I should like first of all to express my appreciation to the Committee for this opportunity to testify.

I am the Chairman of the Board of Directors and the Chief Executive Officer of Philip Morris Incorporated. I am also presently serving as the Chairman of the Executive Committee of The Tobacco Institute, an association of various domestic cigarette companies. I am appearing as a spokesman for The Tobacco Institute and the manufacturers of virtually all cigarettes produced in this country. The following companies have asked that I present their views to the Committee with respect to the pending bills relating to cigarettes: The American Tobacco Company, Brown & Williamson Tobacco Corporation, Larus & Ero. Company, Inc., Liggett & Myers Incorporated, Philip Morris Incorporated, Lorillard Corporation, R. J. Reynolds Tobacco Company, Stephano Bros., Inc., and United States Tobacco Company.

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Four years ago there were lengthy hearings and debates in Congress with respect to the smoking and health issue -- resulting in the enactment of the "Federal Cigarette Labeling and Advertising Act." As you know, that Act provides for a caution notice on each package of cigarettes. With respect to advertising, on the other hand, the statute provides that no statement relating to smoking and health shall be required in the advertising of cigarettes by any federal agency or state governmental body. This provision as to advertising will expire on July 1, 1969, unless extended by the Congress.

There are striking parallels between the situation which existed four years ago and the situation as it is today. In 1965, a federal regulatory agency -- the Federal Trade Commission -- had issued a trade regulation rule requiring a warning in all cigarette advertising and on cigarette packages. There were serious and substantial issues with respect to the novel procedure followed by the Commission and its power to promulgate this rule. In addition, various proposals for regulating cigarette advertising and labeling were pending in a number of state legislatures; there were serious and substantial questions with respect to the constitutionality of

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many of these proposals. There was then an imminent prospect, if Congress did not act promptly, of piecemeal and conflicting regulation resulting in immense confusion and protracted litigation.

The situation in these respects is almost the same today as it was four years ago. Two months ago, on February 5, a federal regulatory agency -- the Federal Communications Commission -- issued a proposed rule to ban all cigarette advertising on radio and television. We are advised by our attorneys that there are serious and substantial legal issues with respect to the power of the Commission to issue this rule and there is an imminent prospect of protracted litigation. Various bills designed to regulate cigarette advertising and labeling are again currently pending in the legislatures of a number of states. Congress recognized in 1965 that a multiplicity of conflicting federal and state laws in this field would be intolerable. Congress properly concluded that it -- and it alone -- should deal with this problem. Precisely the same considerations which prompted Congress to take this matter in hand four years ago exist today.

In 1965, there were bills before the Congress which would have required that a warning statement be included in

all cigarette advertising. There were also bills then pending which would have required that a statement of so-called "tar" and nicotine content of cigarettes be placed on all cigarette packages and included in all cigarette advertising. This Committee, as well as the Senate Committee, rejected all such proposals as unwise and unnecessary. We submit that exactly the same considerations which led Congress to vote down these proposals four years ago exist today. I am informed that various eminent scientists will testify before the Committee during these hearings that there has been no significant change in the state of scientific knowledge with respect to smoking and health during the past four years. I am also informed that witnesses will appear before the Committee who will confirm the fact that there is widespread public awareness of the smoking and health issue. In these circumstances, we respectfully submit that there is no basis for a radical change in the existing statutory scheme for regulating cigarette advertising and labeling, and that there are compelling reasons for extending the present law.

The Committee has before it a great many different bills relating to cigarettes. I should like at once to state our position with respect to those bills. We strongly urge

the Committee -- and the Congress -- to continue in effect those provisions of the Federal Cigarette Labeling and Advertising Act which would otherwise terminate on July 1, 1969. We endorse -- and we urge the Committee to approve -- bills which would accomplish that objective, namely H.R. 6543, H.R. 6544, and H. R. 6545, introduced jointly by eleven distinguished members of the House, including ten members of this Committee. The enactment of these or similar bills is essential to prevent a chaotic situation which may otherwise engulf the entire tobacco industry and which could have far-reaching repercussions for the national economy.

If these bills are not enacted, there will be piecemeal regulation of this matter by various federal administrative agencies, and there will be a multiplicity of differing and conflicting state and local laws. We believe that any governmental action with respect to this subject should be taken by the Congress -- and by no one else.

Four years ago, Congress concluded that federal administrative agencies are not the proper bodies to engage in piecemeal activity in this field. A great diversity of interests is involved in this matter. Any legislation or

regulation affecting cigarette advertising or labeling would have important consequences for farmers and growers of tobacco, processors, distributors, retail merchants, cigarette manufacturers, as well as the general public. The tax revenues of the federal government and practically all of the states are involved. Any such legislation also has important implications for the country's mass media. It is wholly inappropriate for a decision of this scope to be made by any federal administrative agency whose jurisdiction and expertise are limited to one particular aspect of this complex national problem.

Similarly, we submit that state and municipal governments are clearly not the agencies who should act in this matter. The problem is national in scope. Cigarettes are advertised to a large extent on national media -- over network television and radio, and in nationally circulated publications. Cigarettes move in interstate commerce throughout the country. I repeat: This matter should be handled by the Congress and by no one else. But if the Labeling Act is not extended -- if Congress does not continue the prohibition against any federal or state requirement that cigarette advertising include a statement

relating to smoking and health -- authority over this matter will then pass from Congress into other hands.

The Committee has before it various bills which provide for regulation, in one way or another, of cigarette merchandising practices. It is proposed in some bills that the caution notice which presently appears on all cigarette package labels be substantially revised and that cigarette manufacturers be required by law to place a statement of "tar" and nicotine yield on all packages. These bills would also require that all cigarette advertising include a prescribed warning statement, as well as a statement concerning "tar" and nicotine. There are also bills before the Committee which would empower the Federal Communications Commission to regulate cigarette advertising in a manner different from any other product advertising.

We are firmly opposed to these bills. We believe the proposals in these bills are unnecessary and unwise. We believe that many of these proposals are punitive in spirit. These bills, if enacted, would have a most profound impact upon those who desire to smoke as well as upon the tobacco raising and cigarette manufacturing industries, and the television, radio, and publishing

industries. We are confident that the Congress will exercise great care before taking any action which would have these far-reaching ramifications.

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Before turning to a discussion of the bills before the Committee, I should like to summarize the premises which govern our views.

First, the tobacco industry has been for many years and it continues to be, profoundly conscious of questions raised concerning smoking and health.

In 1954 -- nearly a decade before publication of the report on Smoking and Health of the Advisory Committee to the Surgeon General -- most of the cigarette manufacturers as well as a number of organizations representing growers of leaf tobacco, formed the Council for Tobacco Research, USA, to finance independent research relating to tobacco and health. Its scientific advisory board, composed of eminent and independent medical scientists, has made grants for research totaling over \$13 million to some 300 scientists in over 150 hospitals, universities, and research institutions located throughout the country.

In addition, the industry has contributed \$10 million and it has pledged an additional \$8 million to the Education and Research Foundation of the American Medical Association. The Foundation has approved grants for research to scores of scientists. Finally, individual cigarette companies have given substantial support to other research in the area of smoking and health.

These large sums -- totalling more than \$31 million -- have been made available by the industry without any restrictions or qualifications, except that the money should be devoted to research in the smoking and health area.

I am neither a doctor nor a scientist, and I am consequently not qualified to participate in a debate on the technical medical and scientific issues of the tobacco and health controversy. However, I should like again to express the industry's view -- a view based on the conclusions of many eminent scientists throughout the world, some of whom, I understand, will appear before the Committee during these hearings -- that there is no biological or chemical proof that smoking is causally related to the diseases and conditions which are claimed to be statistically associated with smoking. We are informed by highly qualified scientists that there has been no agent identified

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in cigarette smoke which, in the amounts present, is capable of producing any one of the diseases claimed to be statistically associated with smoking.

I believe that most informed persons would agree that there are large and basic areas involving smoking and health where knowledge is lacking. In July, 1968, after four years of study, the Committee for Research on Tobacco and Health of the American Medical Association reported that "the problems related to establishing any kind of cause and effect relationship between tobacco use and health are far more complex than had been supposed." This Committee further stated in its report that "Many years will be required to gather sufficient experimental facts and data to clear what is at best a muddled picture." We hope that governmental and private health research agencies will not only continue but that they will accelerate their efforts to learn the truth concerning the smoking and health issue and to fill the many gaps in knowledge which presently exists. We urge that this entire question be approached in an objective and scientific spirit.

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Second, it is important to bear in mind that tens of millions of persons in this country are cigarette smokers. Persons throughout the world derive pleasure from smoking -- and have done so for centuries.

The Advisory Committee to the Surgeon General recognized in its report that there are "significant beneficial effects of smoking primarily in the area of mental health." However, the Advisory Committee felt that it could not measure these benefits, and it did not accord them any weight in reaching its overall conclusion with respect to the medical issue. I think it is obvious, however, that no action should be taken by the Congress with respect to the regulation of cigarette labeling and advertising without giving just and appropriate weight to the beneficial effects of smoking.

Third, it is unnecessary for me to dwell at length before this Committee upon the importance to the economy of the tobacco industry. It is the country's oldest industry. Millions of persons depend directly or indirectly upon tobacco for their livelihood. Some 600,000 farm families grow tobacco. In 1967, the tobacco produced had a cash value of over \$1.3 billion. Tobacco leaf provides

the fifth largest cash crop in U.S. agriculture. The importance of tobacco to our economy and to our balance of trade has been noted frequently. Exports of leaf tobacco and tobacco products totaled \$635 million in 1967. Indeed, these exports represented almost one-fifth of the 1967 balance of payments deficit. Without these exports, the United States would have had an unfavorable balance of trade. Taxes on tobacco are a major source of revenue for federal, state, and local governments. These revenues currently amount to more than \$4 billion per year. Cigarette sales are thus a major mechanism for raising money to finance a great variety of socially beneficial governmental services.

My point is that all these factors point to the conclusion that extreme care should be exercised before any action is taken which could seriously disrupt this important industry.

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With these factors in mind, I should like to discuss the bills pending before the Committee.

We urge the extension of the Labeling Act. More specifically, we urge that Section 5(b) of the Act should remain in effect indefinitely. That section provides that no statement relating to smoking and health shall be required in the advertising of any cigarettes which are labeled in conformity with the Act. Under Section 10 of the Act, Section 5(b) will terminate on July 1, 1969, unless it is extended by Congress.

The provisions of the Labeling Act reflect the intention of Congress to establish a comprehensive, national program with respect to the regulation of cigarette advertising and labeling as related to the smoking and health issue -- and at the same time to prohibit conflicting and confusing regulations by a number of federal, state, and even local agencies. As the "Declaration of Policy" makes clear, the Act was designed by Congress to do two things: First -- to inform the public concerning smoking and health by requiring a caution notice on each package of cigarettes; and second -- to protect commerce and the national economy

against "diverse, nonuniform, and confusing cigarette labeling and advertising relating to the relationship between smoking and health."

We believe that the Labeling Act accomplishes those objectives which Congress had in mind in 1965 and which remain relevant at present.

There is surely little doubt that the Labeling Act accomplishes the objective of informing consumers about smoking and health. Every cigarette package manufactured in this country since January 1, 1966, has carried the required caution notice. In its first report to Congress under the Labeling Act on June 30, 1967, the Federal Trade Commission pointed out that a public health service survey had established that more than 90 percent of all smokers were aware of the caution notice on cigarette packages. It is my understanding that testimony will be presented to the Committee during these hearings showing the wide extent to which the smoking and health issue has been and continues to be discussed in newspapers and magazines and by broadcasters. On the facts to be presented, we are confident that this Committee will appreciate that through the package caution notice, the extensive federal government and private

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organization programs, and the day-in day-out broadcast information, every other and not other.

has been made aware of the smoking and health controversy.

It is also true, we believe, that -- with one conspicuous exception -- the Labeling Act has succeeded in its objective of protecting the economy against "diverse, nonuniform, and conflicting labeling and advertising regulations regarding smoking and health." The exception was the decision by the Federal Communications Commission issued on June 2, 1967, requiring all TV and radio stations who broadcast cigarette advertising to grant a significant amount of free time each week under the so-called "Fairness Doctrine" to spokesmen for the view that smoking may be hazardous to health. Since the question is presently pending before the United States Supreme Court, I do not feel it would be appropriate for me to comment further about it.

The regulatory crisis which was imminent in 1965 is again upon us. On July 1st -- less than 90 days from now -- the provisions of the Labeling Act which prohibit any federal or state agency from requiring a statement in cigarette advertising concerning smoking and health will expire. If the Congress does not extend the Labeling Act, various

federal, state, and local agencies will intervene. There will almost certainly result a chaotic collision of overlapping and conflicting requirements.

We cannot, of course, foresee all of the different types of advertising regulations which will be proposed. But the emerging picture is clear enough. One federal agency has already announced it will intercede if Congress does not act, and another agency is standing in the wings. On February 5, 1969, the Federal Communications Commission announced a proposed rule which would ban all cigarette advertising on radio and television. The FCC has invited comments from interested parties by May 6 and reply comments by July 7. It could issue its ruling at any time thereafter.

In 1965, when the FCC was invited to express its views to this Committee with respect to bills concerning cigarette advertising then pending, the Commission responded with a letter stating that the Commission's jurisdiction was limited to broadcast media. The Commission then stated -- and I quote -- "It seems clearly appropriate, however, that the matter of cigarette advertising be treated on an all-inclusive, across-the-board basis, rather than

in a piecemeal fashion." In other words, the Federal Communications Commission recognized that cigarette advertising -- which appears in newspapers, magazines, and other printed media as well as in TV and radio -- should not be dealt with by an agency such as the FCC whose authority is limited to one media, but should be handled on an "across-the-board basis." We ask: If "piecemeal" regulation was undesirable four years ago, ~~can~~ is it not equally undesirable now?

We submit that the Federal Communications Commission is not qualified to give proper consideration to all of the factors involved in this complex matter; it does not have the expertise to decide the scientific, economic, social, and other problems which are presented. We oppose the FCC's proposed rule. We shall oppose it before the Commission, and if necessary we shall oppose it in the courts. Our attorneys have advised us that the Federal Communications Commission has not been granted authority by Congress under the Federal Communications Act to prohibit nondeceptive advertising of a lawful product. We believe further that the FCC has acted arbitrarily in singling out one commodity -- cigarettes -- for this unprecedented proposal. We believe

this proposed regulation would violate the prohibitions against censorship in the Communications Act, and it would violate the Federal Trade Commission's policy against such regulations by extending the Labeling Act.

In announcing this proposed rule, the Federal Communications Commission acknowledged that "Congress must be the final arbiter of this matter and must signal what action is to be taken." We fully agree. And we urge Congress, as "the final arbiter," to reaffirm the policy against such regulations by extending the Labeling Act.

In addition to the FCC, it presently appears likely that the Federal Trade Commission will seek to regulate cigarette advertising and labeling in one way or another. After the Labeling Act became effective in 1965, the FTC vacated its proposed trade regulation rule which would have required a warning statement in all advertising as well as on the package label. In its order vacating the rule, the FTC expressed the view that the Labeling Act required only that the effectiveness of its proposed rule "should be delayed." If the preemption provision of the Labeling Act is allowed to expire, the FTC may well revive its dormant trade regulation rule. We opposed the Trade Commission's proposed trade regulation rule in 1965, and we would oppose it again.

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In its report to Congress under the Labeling Act submitted on June 30, 1968, the Trade Commission recommended, among other things, that Congress enact legislation requiring a warning statement in advertising. The Commission further urged that cigarette advertising on television and radio should be banned entirely. And it recommended that a statement as to "tar" and nicotine should be required to appear in all cigarette advertising. We do not know which of these measures the FTC would undertake to implement by itself if Section 5(b) of the Labeling Act were not extended. That is precisely the point -- there would be a large measure of uncertainty with the prospect of lengthy litigation to settle the very serious questions which our attorneys advise us exist concerning the Commission's authority to issue any such regulation.

Apart from proceedings by the federal regulatory agencies, there is the threat of conflicting state and local laws and ordinances. Various bills designed to regulate cigarette advertising have been introduced in the legislatures of a number of states.

Some of these bills would require a warning notice in cigarette advertisements appearing in periodicals published within the state. Others would require a health warning in every cigarette commercial broadcast on a TV or radio station located within the state. The proposed form of the required caution notice varies from state to state. A variety of state and local laws in this area would produce immense confusion. As a practical business matter, it would be almost impossible for any manufacturer to comply with all of these differing and conflicting requirements. We are advised by our counsel that there is serious doubt with respect to the constitutionality of many of these proposals, and their enactment would lead to widespread litigation.

It is obvious that if Congress does not keep this matter in hand, there will be piecemeal and conflicting federal and state regulations in this field. There will be litigation. And there will be enormous confusion and uncertainty. Those are precisely the considerations which prompted the Congress in 1965 to preempt this matter.

Four years ago, this Committee approved and the House passed a bill which would have precluded federal agency and state regulation of cigarette advertising with respect to health for an indefinite period. The three-year limitation in Section 10 of the Labeling Act was incorporated into the statute on the initiative of the Senate. The serious practical problems which resulted are now apparent to everyone; this important issue must now be considered in the face of an imminent deadline. We urge this Committee to take the same action it took four years ago and to extend indefinitely those provisions of the Labeling Act which will otherwise expire on July 1.

II

I should like to comment next on various bills pending before the Committee which propose to regulate cigarette advertising in a variety of ways. Several of these bills would require that all cigarette advertisements include the statement: "Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death from Cancer or Other Diseases." As I shall discuss, this statement is not warranted by present scientific knowledge. Still other bills would empower the FCC to prohibit the broadcasting of cigarette advertising between certain hours, or in connection with certain programs, and the FCC would also be authorized to regulate the total quantity of cigarette advertising.

As I have indicated, the public is unquestionably aware of the charges that smoking may be hazardous to health. A warning in advertising cannot, therefore, be defended as necessary to inform the public. This insistence upon a warning in advertising -- in addition to the existing warning on the package label -- is punitive in spirit.

The right to advertise -- an essential commercial right -- is destroyed if a manufacturer is required in every advertisement to disparage his product.

No business man will spend his company's money for a self-defeating purpose. As a practical matter, the requirement of a warning in advertising could result in eliminating all cigarette advertising. There is little doubt that some persons advocate a warning in cigarette advertising precisely for that reason.

There are several points that should be carefully considered by those industry critics who advocate a black-out of all cigarette advertising -- whether directly or indirectly. Cigarette advertising is preeminently brand advertising -- it is designed to persuade persons who already smoke to buy one brand rather than another. A prohibition on advertising would thus significantly affect competition in the cigarette industry. It is a proposal with strong anti-competitive overtones. Moreover, how are consumers to be made aware of new developments if manufacturers are foreclosed from advertising?

There is a further consideration which merits emphasis. Cigarette advertising is not presently immune from regulation. To the contrary, it is subject to regulation just like the advertising of any other product. The Labeling Act makes that point absolutely clear. Section 5(C) of the Act affirms the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes. In that connection, the committee will note that between July, 1965 and the scheduling of the present hearings, the Federal Trade Commission has not taken regulatory action against any cigarette advertising on the ground that it was false or misleading.

The issue is not whether cigarette advertising shall be exempted from regulation. The issue rather is whether cigarette advertising shall be regulated altogether differently than the advertising of any other lawfully marketed product.

It is obvious that cigarette advertising can not be singled out for punitive regulation on the premise that smoking is the subject of a health controversy. There are

controversies over the possible health hazards of many products -- for example, dairy and meat products containing saturated fats, vitamins, sleeping pills, proprietary drugs for colds and headaches, insecticides -- as well as other products. Automobiles have recently been the subject of a major safety controversy. Why, we ask, should cigarette advertising be the target of discriminatory regulation?

The industry itself has taken affirmative steps to meet criticism of cigarette advertising voiced by various persons. Companies who produce about two-thirds of all cigarettes are members of the Cigarette Advertising Code. The Code prescribes certain standards for cigarette advertising. Among other things, the Code prohibits such advertising in school and college publications, and it bans the distribution of sample cigarettes and promotional efforts on school, college or university campuses. It prohibits testimonials from athletes or other celebrities who might have special appeal to young people. These provisions of the Code have been scrupulously observed, not only by those companies who are parties to the Code but by other cigarette manufacturers as well.

III

I should like to turn at this point to the provisions in bills before the Committee which would require that a statement of the "tar" and nicotine content of cigarettes be placed on all cigarette packages and be included in all cigarette advertising.

We oppose any such requirement. It is our position that "tar" and nicotine statements should be allowed on cigarette packages and in cigarette advertising on an optional basis, but there should be no mandatory requirement. This is the situation which presently exists. There are sound reasons for maintaining it, and serious objections against compulsory "tar" and nicotine labeling.

There appears to be a considerable amount of misunderstanding about this matter, but we believe, if examined objectively and carefully, that it will be clear there is no legitimate need for a law requiring a statement of "tar" and nicotine yields.

First, with respect to nicotine: The 1964 Report of the Surgeon General's Committee pointed out that "There is no acceptable evidence that prolonged exposure to nicotine

creates either dangerous functional change of an objective nature or degenerative disease." The report concluded that "nicotine probably does not represent a significant health problem."^{1/} There does not appear to have been any change since 1964 in the Surgeon General's position on this point. In testimony before a House Appropriations Committee on March 6, 1968, Surgeon General Stewart stated: "I think we need to pursue it a lot further in the scientific realm before we could draw any further conclusion about what was in the 1964 report."^{2/}

In these circumstances, it is our view that it is not only pointless but it would be misleading to require a mandatory statement as to nicotine on cigarette packages and in cigarette advertising.

Second, in our view there is no valid scientific basis for requiring a statement on the label or in advertising with respect to so-called "tar" content. Cigarette smoke contains more than 2,000 components. Many of these have not

^{1/} Report of the Advisory Committee to the Surgeon General on Smoking and Health, pp. 74-75 (1964).

^{2/} Hearings, Part 4, page 66.

been identified. There is no "tar" as such in cigarette smoke. That term is commonly used to refer to the condensate or solids collected from smoke by laboratory methods.

The history of the controversy over "tar" labeling is illuminating. In the early 1950's the Federal Trade Commission ruled that it was improper to advertise the miniscule differences in "tar" and nicotine between cigarette brands because those differences were of no significance and advertising them would be misleading. In the "Cigarette Advertising Guides," issued in 1955, the Commission stated that no claim should be made in cigarette advertising to the effect that any brand of cigarettes is low in "tar" or nicotine or contains less "tar" or nicotine than any other brands "when it has not been established by competent scientific proof . . . that the claim is true, and if true, that such difference or differences are significant." Five years later, in 1960, the Commission solicited assurances from cigarette manufacturers that they would not use "tar" and nicotine data in advertising and on cigarette packages. At the hearings on the Labeling Act in 1965, the Chairman of the Federal Trade Commission

expressed opposition to a bill requiring "tar" and nicotine data on the package label.

Then, on March 25, 1966, in a letter to cigarette manufacturers and to Governor Meyner, the administrator of the Cigarette Advertising Code, the Commission suddenly reversed its position and announced that it would not oppose voluntary "tar" and nicotine content statements on cigarette packages and in advertising if these statements were supported by adequate tests. The Commission went even further in its report to Congress, on June 30, 1967, under the Labeling Act. The Commission announced that it now favored legislation requiring statements of "tar" and nicotine content on all cigarette packages and in all cigarette advertisements. In other words, the Trade Commission somersaulted from a consistent position opposing any statement as to "tar" yield to the position that such statements should be made mandatory by legislation. This extraordinary flip-flop occurred in the absence of any advance in scientific knowledge concerning the relationship of "tar" and health.

Following this reversal of position, the Commission established a laboratory in 1967 to measure "tar" and nicotine

yield, and as the Committee is aware, the FTC has embarked upon a testing program. The Commission has publicly announced the results of four of these tests. These announcements have received extensive press coverage.

In passing, I should point out that the cigarette manufacturers assisted and fully cooperated with the Federal Trade Commission in establishing this laboratory. We took this action -- although it is our view that no factual scientific data exist as to the relevance of "tar" or nicotine in terms of health -- because we felt that if test results were to be published by a government agency, the results should be true and accurate. We continue to have major differences with the Commission with respect to the scientific validity of its testing methodology and the statistical deficiencies in its methods of reporting its test results.

Publicity over the years has stimulated considerable public curiosity about "tar" and nicotine content. Some cigarette manufacturers, responding to what they feel to be a demand in some segments of the market, state the "tar" and nicotine content on the package label and in the advertising of some of their brands.

A law requiring "tar" statements, however, presents a totally different issued. During the hearings, the Committee will hear testimony from various authorities to the effect that it has not been established that "tar" causes illness. The Surgeon General acknowledged before the Senate Committee four years ago that "there is presently no proof" that cigarettes with low "tar" and nicotine are less hazardous than cigarettes with a high "tar" and nicotine yield. In August, 1967, Dr. E. Cuyler Hammond, a spokesman for the American Cancer Society, told the Senate Commerce Committee that we "are a long way from getting objective evidence" that reducing tar and nicotine reduces the alleged harmful effects of smoking. I am informed there has been no change in scientific knowledge since these statements were made.

In the absence of reliable proof that low "tar" is related to health, there is no justification for a mandatory labeling requirement. The implication of such a requirement is that "tar" has in fact been scientifically incriminated as a cause of disease. We respectfully submit that it would be wrong for the government to take a step which

would lead the public to believe that the reduction or absence of a particular ingredient in cigarette smoke has health significance when scientific proof of that fact is lacking.

For these reasons, we strongly urge that statements as to "tar" and nicotine content should be optional, not

mandatory; and that the various provisions which require mandatory statements should not be enacted.

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Finally, I should like to say just a word about proposals that the present required caution notice be drastically revised. As you know, the Labeling Act provides that every cigarette package shall contain this statement: "Caution: Cigarette Smoking May Be Hazardous to Your Health." The Congress concluded four years ago that this was a "fair and factual" caution notice which accurately reflects the state of medical knowledge on the subject. During the hearings, you will hear testimony that there have been no scientific developments since 1965 which would support a radically different and harsher caution notice. A caution notice, required by law, should not reflect an extremist or doctrinaire viewpoint. We urge that no change be made in the present form of the required caution notice.

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To sum up, our recommendations to the Committee are as follows:

First, we strongly urge Congress to take appropriate legislative action to extend indefinitely the provisions of the Cigarette Labeling Act which will otherwise expire on July 1, 1969. We urge Congress to preempt the field as it did in 1965 and to make clear once again that no statement relating to smoking and health shall be required in cigarette advertising by any federal, state, or local agency.

Second, we oppose proposals for changing the present required caution notice on the label or for requiring any warning in cigarette advertising.

Third, because there is no scientific proof for implicating any specific ingredient as found in cigarette smoke, we think it would be misleading to the public for Congress to require the quantity of any ingredient in the smoke to be stated on cigarette packages or in cigarette advertising, and we accordingly oppose any such requirement.